

### **REMARKS**

Applicant has carefully reviewed and considered the Office Action mailed on October 2, 2006, and the references cited therewith.

Claims 1, 42, and 43 have been amended herein and no claims have been canceled or added. As a result, claims 1-49 are still pending in this application.

#### **35 USC §102 Rejection of the Claims**

Claims 1-21 and 46-49 were rejected under 35 USC § 102(e) as being anticipated by *De Vries* (U.S. Patent 6,968,179).

“Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984) (emphasis added) “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claim 1 is an independent claim directed to a wireless device. More specifically, the wireless device comprises: (a) a user interface; (b) a controller to control operation of said wireless device, said controller being in communication with said user interface to accept input from a user and to deliver output to said user; and (c) a wireless transceiver to support wireless communication with at least one remote wireless entity; wherein said controller is programmed to append context-specific information collected by at least one local sensor to a network search query to be delivered to a remote search engine via said wireless transceiver when said user is performing a network search.

De Vries does not disclose a controller that is “programmed to append context-specific information collected by at least one local sensor to a network search query to be delivered to a remote search engine via said wireless transceiver when said user is performing a network search.” Nowhere in column 6 or column 8 does De Vries teach or imply that a controller within the personal mobile data communication devices 120-123 appends context-specific information to a search query. In column 5, lines 20-42, De Vries indicates that the personal mobile data communication devices 120-123 are equipped with “location detecting capability” to determine the locations of the devices. However, this information is not appended to a search query. Instead, this information is either reported to or polled by the information service 100 which uses

the information to track the location of the devices' users in the people/place database 112 (see column 5, lines 43-47). If reported, the devices' locations can be reported at periodic intervals or whenever the device location changes by a significant threshold amount (see column 5, lines 47-50). The location information is not attached to a search query. In addition, Applicant can find no teaching in De Vries where context-specific information collected by at least one local sensor is appended to a search query.

Based on the foregoing, it is submitted that De Vries does not anticipate claim 1. Reconsideration and allowance of claim 1 is therefore respectfully requested.

Claim 11 is an independent claim directed to a method comprising: (a) detecting initiation of a network search within a wireless device; (b) collecting context-specific information regarding said wireless device; and (c) appending context-specific information to a search query to be delivered to a remote search engine.

De Vries does not disclose "collecting context-specific information regarding said wireless device" and "appending context-specific information to a search query to be delivered to a remote search engine." As stated above, De Vries teaches a "location detecting capability" within a device, but does not append the "location" detected thereby to a search query. In addition, De Vries discloses no other context specific information as being collected and then appended to a search query to be delivered to a remote search engine. If the Examiner maintains this rejection in the next office action, it is respectfully requested that he specifically identify what information is being collected in De Vries and where De Vries shows that information being appended to a search query.

Based on the foregoing, it is submitted that De Vries does not anticipate claim 11. Reconsideration and allowance of claim 11 is therefore respectfully requested. A similar argument applies to claim 46.

Claims 2-10, claims 12-21, and claims 47-49 are dependent claims that depend either directly or indirectly from independent claim 1, 11, and 46, respectively. Consequently, these claims are allowable for at least the same reasons as their corresponding base claims. These claims also provide further bases for patentability. For example, claim 5 further defines the controller of claim 1 as being programmed to "(a) receive search results from said remote search engine, via said wireless transceiver, in response to said network search query, said search results

including an indication of which elements of context-specific information that were appended to said network search query were used to perform the network search, and (b) display said search results to a user.” As described previously, De Vries does not disclose appending context-specific information to a search query. Therefore, it cannot disclose receiving search results from a remote search engine that includes “an indication of which elements of context-specific information that were appended to said network search query were used to perform the network search.” A similar argument applies to claim 19 and 48. Claim 6 further defines the controller of claim 5 as being programmed to “(a) receive a selection of context-specific information types from said user, via said user interface, indicating which context-specific information said user desires to be used to perform a network search, and (b) deliver said selection of context-specific information types to said remote search engine, via said wireless transceiver, for use in another network search.” De Vries does not disclose user specification of context-specific information types to be used to perform a network search in a remote search engine. A similar argument applies to claims 20 and 49. Claim 10 further defines the network search of claim 1 as being an Internet search. De Vries does not disclose such an Internet search. Claim 14 further defines “collecting context-specific information” of claim 11 as including “determining which of a plurality of available sensors are presently working properly and polling only said sensors that are presently working properly for context-specific information.” De Vries does not disclose such a determination being made. Claim 21 further defines “collecting context-specific information” of claim 11 as including “determining which context-specific information to collect based on a type of network search that has been initiated.” De Vries does not disclose a selection of context-specific information based on network search type. The only type of context-specific information collected in De Vries is location using a “location detecting capability” of the personal mobile data communication devices.

Claims 33-42 were rejected under 35 USC § 102(e) as being anticipated by *Darrell et al.* (U.S. Publication 2005/0162523).

Claim 33 is an independent claim directed to a method comprising: (a) using a camera on a wireless device to capture at least one image of a surrounding environment; (b) identifying text within said at least one image; and (c) displaying said text to a user of said wireless device to

allow said user to select one or more words or phrases within said text for use in generating a network search query for delivery to a remote search engine.

Darrell et al. does not disclose “identifying text within said at least one image” and “displaying said text to a user of said wireless device to allow said user to select one or more words or phrases within said text for use in generating a network search query for delivery to a remote search engine.” In Darrell et al., as described in paragraph [0027], an image may be taken of a building, using a handheld device 10, and the image is then sent to a server 24. The server 24 then performs a web search to find web pages that contain images of the building. The server 24 then sends the most relevant web pages back to the handheld device 10. Paragraph [0027] indicates that the user can then browse these web pages and find the name “Killian Court” and thus conclude that the building in the original image is Killian Court. The Examiner takes the position that the user identifying “Killian Court” in the search results satisfies the claim limitation “identifying text within said at least one image.” However, the claim requires identifying text within the image that was captured by the camera in the wireless device. In Darrell et al., the user recognizes text within the results that are received from the server 24.

In addition, in paragraph [0031] of Darrell et al., it states that automatically extracted keywords are displayed side-by-side with the thumbnail images. The user can then select a keyword to initiate a Google search if further searching is required. However, paragraph [0031] does not state that the keywords are extracted from the thumbnail images themselves. Instead, this paragraph appears to be stating that the keywords are extracted from the web pages corresponding to the thumbnails and not from the thumbnail images. Furthermore, even if, solely for the sake of argument, this paragraph was referring to extracting keywords from the thumbnail images themselves, these thumbnails are the search results found by the server and not the original image captured by the camera on the wireless device as required by claim 33.

Based on the foregoing, it is submitted that Darrell et al. does not anticipate claim 33. Reconsideration and allowance of claim 33 is therefore respectfully requested.

Claims 34-42 are dependent claims that depend either directly or indirectly from independent claim 33. Consequently, these claims are allowable for at least the same reasons as claim 33. These claims also provide further bases for patentability. For example, claim 34 further defines “identifying text” of claim 33 as including “generating a higher resolution image

from a number of lower resolution captured images.” Darrell et al. does not disclose this. The thumbnails may be low resolution, but they are not used to generate a higher resolution image. Claim 35 further defines “generating a higher resolution image” of claim 34 as including “using image stitching software.” Darrell et al. does not disclose the use of image stitching software. Claim 36 further defines “generating a higher resolution image” of claim 34 as including “using image scanning software.” Darrell et al. does not disclose the use of image scanning software. Claim 37 further defines “identifying text” of claim 33 as including “segmenting said text into individual words.” Darrell et al. does not disclose the segmentation of text into individual words. Claim 38 further defines “identifying text” of claim 33 as including “using optical character recognition to translate text images into machine recognizable text characters.” Darrell et al. does not disclose the use of optical character recognition. Claim 40 further defines “displaying said text” of claim 33 as including “displaying said text as highlighted words or phrases within an image of the surrounding environment.” Darrell et al. does not disclose the displaying of text as highlighted words or phrases within an image of a surrounding environment. Claim 42 adds “displaying a list of potential search types to said user to allow said user to choose a search type to perform using said one or more words or phrases selected by said user” to claim 41. Darrell et al. does not disclose displaying a list of potential search types to a user.

### 35 USC §103 Rejection of the Claims

Claims 22-32 were rejected under 35 USC § 103(a) as being unpatentable over *De Vries* in view of *Darrell et al.* (U.S. Publication 2005/0162523).

“To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.” MPEP § 2142

Claim 24 is an independent claim that is directed to a wireless device. More specifically, the wireless device comprises: (a) a user interface; (b) a controller to control operation of said wireless device, said controller being in communication with said user interface to accept input

from a user and to deliver output to said user; (c) a wireless transceiver to support wireless communication with at least one remote wireless entity; and (d) a camera to capture at least one image of a surrounding environment under control of a user of said wireless device; wherein said controller is programmed to identify text within said at least one image captured by said camera and to display said text to said user to allow said user to select one or more words or phrases within said text for use in generating a network search query for delivery to a remote search engine via said wireless transceiver.

Neither De Vries nor Darrell et al., either alone or in combination, discloses or suggests a wireless device having a controller that is “programmed to identify text within said at least one image captured by said camera and to display said text to said user to allow said user to select one or more words or phrases within said text for use in generating a network search query for delivery to a remote search engine via said wireless transceiver.” De Vries does not disclose or teach the use of cameras or images within a wireless device. As stated previously, in Darrell et al., a user identifies text (i.e., “Killian Court”) within image search results received from a server 24. The user does not identify text within an image captured by a camera within the wireless device being used by the user. In addition, claim 24 requires that the “controller” within the wireless device be programmed to identify the text within the image, not that a user identify text. Darrell et al. does not disclose or suggest a controller that identifies text within an image. Therefore, the combination of De Vries and Darrell et al. does not teach or suggest all of the claim limitations as required to establish a prima facie case of obviousness.

Based on the foregoing, it is submitted that a prima facie case of obviousness has not been established with respect to claim 24. Reconsideration and allowance of claim 24 is therefore respectfully requested.

Claims 22-23 and claims 25-32 are dependent claims that depend either directly or indirectly from independent claims 11 and 24, respectively. Consequently, these claims are allowable for the same reasons as their respective base claims. These claims also provide further bases for patentability. For example, claim 22 further defines “collecting context-specific information” of claim 11 as including (a) using a camera on a wireless device to capture at least one image of a surrounding environment; (b) identifying text within said at least one image; and (c) allowing said user to select one or more words or phrases within said identified text for use in

a search query. Neither De Vries nor Darrell et al., either alone or in combination, discloses or suggests these limitations. Claim 25 further defines “said at least one image captured by said camera” of claim 24 as including “multiple relatively low resolution images” and further defines the “controller” of claim 24 as having “access to an image scanning function to process said multiple relatively low resolution images captured by said camera to generate a higher resolution image.” Neither De Vries nor Darrell et al., either alone or in combination, discloses or suggests the generation of a high resolution image from multiple low resolution images using image scanning functionality. Claim 26 further defines the “controller” of claim 24 as having “access to a segmentation function to segment text within said at least one image captured by said camera into individual words.” Neither De Vries nor Darrell et al., either alone or in combination, discloses or suggests the use of a segmentation function to segment text within an image into individual words. Claim 27 further defines the “controller” of claim 24 as having “access to an optical character recognition function to translate text within said at least one image into machine recognizable character codes.” Neither De Vries nor Darrell et al., either alone or in combination, discloses or suggests the use of optical character recognition to translate text within an image into machine recognizable character codes. Claim 28 is allowable for similar reasons to claims 25, 26, and 27 discussed above. Claim 31 further defines the “controller” of claim 24 as being programmed to “display said text to said user in highlighted form as part of an image captured by said camera.” Neither De Vries nor Darrell et al., either alone or in combination, discloses or suggests the display of text to a user in highlighted form as part of an image captured by a camera. Claim 32 further defines the “controller” of claim 24 as being programmed to “request that said user identify a type of search to perform.” Neither De Vries nor Darrell et al., either alone or in combination, discloses or suggests a controller that requests a user to identify a search type.

Claims 43-45 were rejected under 35 USC § 103(a) as being unpatentable over *De Vries* in view of *Amano et al.* (U.S. Publication 2002/0142737).

Amano et al. was cited solely because it discloses a dipole antenna being used within a wireless device. De Vries does not disclose or suggest a controller that is “programmed to append context-specific information collected by at least one local sensor to a network search query to be delivered to a remote search engine via said wireless transceiver when said user is

performing a network search.” Therefore, the combination of De Vries and Amano et al. does not teach or suggest all of the claim limitations as required to establish a prima facie case of obviousness.

Based on the foregoing, it is submitted that a prima facie case of obviousness has not been established with respect to claim 43. Reconsideration and allowance of claim 43 is therefore respectfully requested.

Claims 44 and 45 are dependent claims that depend either directly or indirectly from independent claim 43. Consequently, these claims are allowable for at least the same reasons as their respective base claims.

The Office Action of October 2, 2006 relies upon a number of 35 USC § 102(e) references to reject claims in the present application. Please note that no part of this response is to be deemed an admission that any of these references are valid prior art in the present application. As such, the Applicants reserve the right to swear behind one or more of these references at a later date.



Conclusion

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (480-948-3745) to facilitate prosecution of this application.

Respectfully submitted,

TONIA G. MORRIS ET AL.

By their Representatives,

**Customer No. 45643**  
480-948-3745

Date: December 1, 2006

By John C. Scott  
John C. Scott  
Reg. No. 38,613

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 1st day of December, 2006.

Shellie Bailey  
Shellie Bailey